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SUBJECT: DRAFT LAW ON COVERING "SUDDEN INCIDENTS" RULES
CHINESE JOURNALISTS

Classified By: Political Section Internal Unit Chief Kin W. Moy. Reason 1.4 (b/d).

Summary

¶1. (C) News that the National People's Congress draft law on handling emergency situations will include a section limiting the media's ability to report on "sudden incidents" has stimulated anger among Chinese journalists. Editors and reporters told us the proposed rules constitute another in a string of Government measures aimed at subduing an assertive press corps. The influential bi-weekly Caijing Magazine is preparing to fight the provision in the hopes that the NPC will remove it from the draft law. But contacts said the legislation enjoys backing at the Party's highest levels and that the NPC Standing Committee will almost certainly recommend passage as is at the NPC's next session in March. Media insiders stressed that the Chinese leadership views a genuinely free press reporting on disasters, epidemics and civil discord (as "sudden incidents" are loosely defined) as a potential threat to social stability. If the final legislation includes language limiting coverage in these areas, it would constitute a significant setback for the Chinese media. End Summary.

Negative Reaction

¶2. (C) The Xinhua News Agency first reported the content of the media section of the draft law at the end of a larger article about the legislation on June 25. The NPC has been considering codifying in law the methods the Government should use in response to "sudden incidents," which contacts broadly defined as disasters, health crises or social unrest, for several years. According to the wire service article, under the draft law, news outlets would be required to obtain local government approval prior to running related stories or risk fines of up to RMB 100,000 (USD 12,500). Reporting "false" news could incur similar penalties. Editors and journalists told us the portion prescribing how the media treats such events is a recent addition to the law's text.

¶3. (C) The response in the pages of some Chinese newspapers and on Internet portals has been negative. The Beijing News, a progressive high-circulation daily, ran the Xinhua article under a banner headline focusing on the media angle on page four (teased on the front page) on June 26. The Southern Metropolitan Daily ran a commentary the same day, calling the proposed reporting rules "nonsense." The Internet news portal Sina.com published a scathing opinion

piece charging that limiting the media's ability to cover important news "violates the public's right to know." The commentator wrote that the draft law also violates the United Nations Covenant on Civil and Political Rights. Referring to the key role the press played in promulgating vital information during the SARS crisis of 2003, the writer contended that such openness earned the Government public confidence and approval in the international community. Imposing new rules, on the other hand, only increases public doubt about the Government.

"Assemble a War Team"

14. (C) The influential bi-weekly Caijing Magazine has decided to take a strong editorial stand against the media portion of the draft law, said Wang Feng (protect), an editor at the magazine. He related that on June 27, editor in chief Hu Shuli phoned him from the United States, where she was traveling on business, and directed him to "assemble a war team." Wang said Hu wants Caijing to rally a respected group of legal experts to write a series of columns refuting the proposed coverage rules. But time is tight. Wang speculated that the Propaganda Department would issue guidelines within a week on how to cover discussion of the draft in an effort to squelch open debate about the media portion. To stay a step ahead of the censors, Caijing intends to post the commentary on its website in the coming days. The magazine's next issue is not scheduled to appear on newsstands until July 13. Wang said the magazine's aim is to rally enough influential voices to criticize the measure, thereby pressuring the NPC to remove the media segment from

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the legislation. He expressed optimism on this front, adding that Hu Shuli "understands the boundaries" and would not muster troops if the case were hopeless.

It's About Social Stability

15. (C) Others are less upbeat. The draft law, including the media rules, enjoys support at the highest levels of the Party, said Dong Yuyu (protect), an editor at party mouthpiece Guangming Daily who closely follows leadership issues. As a result, the NPC Standing Committee will likely recommend passage of the full legislation at the NPC's next session in March. In Dong's view, the press coverage rules are directly related to the leadership's growing concern about social stability. He added that he believes top Politburo members do not view a genuinely free media as conducive to maintaining civic order. In fact, with the number of protests over land seizures, pollution and other issues on the upswing across China, Propaganda Department efforts to keep related stories under wraps will only intensify in the near term, Dong predicted.

16. (C) Disasters such as the Songhua River pollution incident in December 2005 are part of the impetus for the proposed rules, Wang of Caijing said. The wide media coverage of the Songhua spill was embarrassing for local governments in northeastern China as well as for the Central Government. As news of a cover-up spread, officials must have feared a total erosion of public confidence in local authorities, Wang surmised. He added that censors prohibited Caijing from publishing a story about a deputy mayor in Harbin who allegedly committed suicide after being pressured to take the blame for the chemical spill. That is precisely the kind of article the Propaganda Department wants to stop, Wang said.

17. (C) What kind of effect the proposed rules might have on the media depends on how the censors enforce them, Wang of Caijing said. Dong separately made a similar point, adding that the Propaganda Department has long been conducting monthly training sessions aimed at providing guidance to journalists in how to treat flash events. In this context, Dong said the language in the draft law related to the press reflects old Propaganda rules from the 1950s that the Government is dusting off in an effort to rein in an increasingly assertive press corps. Nonetheless, with or without the regulations, media outlets face a dilemma, Dong said. News about important events inevitably becomes public knowledge via the Internet or other means. The media has no choice but to attempt to cover these incidents, but to avoid unwelcome attention from the censors, the trick is to know what details to leave out, Dong remarked.

Comment

18. (C) If the final legislation includes language that curtails the media's ability to report on "sudden incidents," it would mark a significant setback for the Chinese media. In recent years, open reporting on natural and man-made disasters and other crises was one of the major advances for a profession that has seen a narrowing of its ability to cover hard domestic news. In China's current media climate, reporting on disasters not only symbolizes greater press freedom, but also increases circulation and viewership. From this perspective, there are huge stakes for editors and reporters, who appear to be headed on a collision course with the Propaganda Department and the NPC.

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